

**Sr. No. 215-A
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-23744 of 2015
Date of Decision: 03.09.2015**

Rajpal

--Petitioner

Vs

The State of Haryana

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. R.N.Lohan, Advocate,
for the petitioner.

Mr. Parveen Aggarwal, DAG Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 03 dated 15.01.2015 under Sections 392/120-B/34 of the Indian Penal Code and 25/54/59 of Arms Act, registered at Police Station Julana, District Jind.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. He has been sought to be implicated only on the basis of disclosure statement which would have no evidentiary value. He prays for allowing the present petition.

On the other hand, learned counsel for the State on instructions from HC Rajender, Police Station Julana, District Jind submits that petitioner was the leader of the gang which was operating in the area and his co-accused went at the place of occurrence on the asking of the petitioner. This was the reason that petitioner was the main accused on the basis of disclosure statement suffered by a co-accused before the police. He submits that since

the allegations are serious in nature, petitioner is not entitled for bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial.

It is a matter of record that petitioner was not named in the FIR. Further, except the disclosure statement suffered by the co-accused of the petitioner, that too before the police, there is no material collected by the investigating agency which may be treated against the petitioner. It is also not disputed between the parties that pursuant to the alleged disclosure statement suffered by the co-accused of the petitioner, no recovery was effected from the petitioner. In such a situation, it shall be a debatable issue before the learned trial Court as to whether the petitioner, as a matter of fact, played any role in the commission of offence or not.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial, on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

03.09.2015
vandana